

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

September 15, 2010

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn ATTN: Lower Passaic River Remedial Project Manager Emergency and Remedial Response Division U.S. EPA, Region 2 290 Broadway, 19th Floor New York, New York 10007

Re: Monthly Progress Report No. 40 – August 2010
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On August 5, CPG, EPA, and CPG contractors held a conference call to discuss EPA's proposed small foraging fish analysis plan provided by August 2 e-mail.
- On August 11, CPG, EPA, and EPA and CPG contractors held the monthly Progress Call to discuss modeling activities.
- On August 11, CPG, EPA, and EPA and CPG contractors held a conference call to discuss the Chemical Water Column Monitoring (CWCM) program.

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Correspondence

- On August 2, EPA provided additional information from the Agency's contract laboratory regarding specific analytical results for the Low Resolution Coring (LRC) PCDD/PCDF split sample data packages.
- On August 2, EPA provided a proposed tissue analysis plan for small foraging fish samples and collection of co-located sediment samples.
- On August 3, EPA provided comments on the draft Benthic QAPP Addendum No. 3 (Habitat Survey QAPP) to the CPG.
- On August 6, CPG submitted the revised Benthic QAPP Addendum No. 2 to the EPA.
- On August 6, EPA approved the revised Fish/Decapod Tissue QAPP Addendum No. 2 (Avian Survey QAPP) with minor edits.
- On August 9; EPA provided comments on the revised Benthic QAPP Addendum No. 2 to the CPG and the CPG responded to those comments on the same day
- On August 9, CPG submitted response to comments on the draft Avian Survey QAPP to EPA.
- On August 9, EPA approved the revised draft Avian Survey QAPP.
- On August 9, EPA approved the revised Benthic QAPP Addendum No. 2 related to the small foraging fish collection program and the co-located sediment sample collection.
- On August 10, EPA sent a letter to the CPG regarding submission of the LRC Report and quality of submitted Risk Assessment planning documents.
- On August 11, EPA provided input to the CPG regarding inclusion of a submerged aquatic vegetation survey in the draft Habitat Survey QAPP.
- On August 13, CPG submitted a revised Benthic QAPP Addendum No. 2 to EPA.
- On August 16, CPG submitted the July 2010 Monthly Progress Report to EPA.
- On August 23, EPA responded to two proposals from the CPG for simplifying the LPR/Newark Bay Modeling Program.
- On August 23, CPG provided EPA an update of activities by the contract laboratory conducing semi volatile organic compound (SVOC) analyses on whole body fish samples.
- On August 23, CPG submitted the revised Late Summer/Early Fall 2009 Fish and Decapod Field Report to EPA
- On August 23, CPG submitted the Fall 2009 Benthic Community Data Summary Report to EPA.

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- On August 23, CPG requested, and EPA granted, an adjustment to the deadline for submitting the spring and summer 2010 Benthic Community Surveys (Surveys) raw data and the combined Surveys summary data reports based upon a request from the contract laboratory performing the analyses.
- On August 25, CPG requested an update of the status of sediment transport inputs for the HydroQual (HQI) ECOM-SEDZLJS model from the EPA.
- On August 25, EPA informed CPG that the HQI ECOM-SEDZLJS sediment transport model work-in-progress inputs would be sent to the CPG contractor by August 27.
- On August 27, EPA's modeling contractor, HQI, provided interim input files for the HQI ECOM-SEDZLJS sediment transport model.
- On August 31, CPG provided the EPA with the sample ID correlation matrix of location/interval and analytes for the LRC Characterization Report data.

Work

- CPG completed collection of small foraging fish tissue samples on August 9.
- CPG completed the summer 2010 Benthic Community Survey on August 16.
- CPG began processing the 2010 Bathymetry Survey data.
- CPG Modeling Team continued work on the HQI SEDZLJS Sediment Transport Model code.
- CPG Modeling Team continued work on the SEDZLJ Sediment Transport Model Code.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PCWM) data.
- CPG continued planning activities for the CWCM QAPP.
- CPG continued processing of fish tissue samples for chemical analyses.

(b) Results of Sampling and Tests

- On August 16, copies of lab EDD files and Excel data tables for data validated in July 2010 representing in part the LPR and Newark Bay (NB) PWCM samples for the April and May surveys and the associated field measurements taken at the time of sampling for the May survey were posted to the PREmis Digital Library.
- On August 20, CPG provided the validated sediment data collected pursuant to the 2009 Benthic Survey QAPP.
- On August 20, CPG provided raw data collected pursuant to the Fish/Decapod Tissue QAPP (crab tissue data).

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 On August 27, CPG 2010 PWCM survey data (tabular mooring data and transect data for March - June field surveys) were posted to the PREmis Digital Library.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue processing the 2010 Bathymetry Survey data; these data are to the EPA by October 31.
- CPG will continue processing the 2009 and 2010 PWCM survey data.
- CPG will submit the Small Volume CWCM QAPP and continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG will continue processing fish tissue samples for chemical analyses.
- CPG will analyze sediment samples co-located with small foraging fish collection locations.
- CPG will continue validation of sediment and tissue data.
- CPG will submit the Small Volume CWCM QAPP and continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG will conduct the summer and fall 2010 Avian Surveys.
- CPG will conduct the Habitat Survey.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code and inputs.
- CPG will participate in monthly LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will participate in the New York Academy of Science Consortium Meeting.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

 From discussions with EPA, the CPG understands that calibration of the HQI ECOM-SEDZLJS sediment transport model should be completed by the EPA Modeling Team during the fourth quarter of CY 2010. If EPA is unable to provide the CPG with the calibrated sediment transport model this year, the CPG anticipates a delay in the LPRSA RI/FS schedule. The CPG Modeling Team will continue to work collaboratively with the EPA Modeling team to develop a sediment transport model. Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 40 – August 2010 September 15, 2010 Page 5 of 6

- The CPG needs EPA's approval of the CPG's Small Volume CWCM QAPP by November 15, 2010. Delays in approval will delay in implementation of the field work, which may delay the overall LPRSA RI/FS schedule.
- EPA's approval of Tierra's CSO/SWO Monitoring Workplan has become a critical
 path item in the LPRSA RI/FS schedule. The CPG and Tierra need EPA's
 approval of the CSO/SSO Monitoring Workplan by October 29, 2010. Delays in
 approval will delay implementation of the field work, which may delay the overall
 LPRSA RI/FS schedule.
- The CPG is working to respond to EPA's September 10, 2010 comments on the risk assessment planning documents. The CPG will provide responses on October 12 and provide a proposed approach and schedule for those EPA comments not fully addressed on October 12. Resolution of the EPA comments is required prior to the CPG's revision of the risk planning documents. Depending upon the time required to reach resolution, the LPRSA RI/FS schedule could be impacted.
- Analysis and validation of biological samples collected in 2009 and 2010 field seasons need to be completed by the end of the first quarter of CY 2011 in order to support the conduct of the Human Health Risk Assessment and Ecological Risk Assessment in CY 2011. CPG has retained a second data validation firm to conduct the data validation of the fish and crab tissue data. We do not currently anticipate any delays resulting from this effort but will keep EPA apprised.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel Alice Yeh, EPA William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 40 – August 2010 September 15, 2010 Page 6 of 6

> Tim Kubiak, USFWS Reyhan Mehran, NOAA Janine MacGregor, NJDEP Elkins Green, NJDOT Laura Kelmar, AECOM